

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.Nos.649 and 770 of 2016

Crl.R.C.No.649 of 2016

Sanjay Kumar Rath

... Petitioner/Respondent

Vs.

1.B.Sheela

2.Minor Abhishek Rath

Rep.by natural guardian R1

3.Abhiji Rath

... Respondents/Petitioners

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records and set aside the order dated 14.03.2016 made in CMP.NO.5321 of 2015 in MC.No.14 of 2015 on the file of the learned Judicial Magistrate, Tambaram.

Crl.RC.No.770 of 2016

1.B.Sheela

2.Minor Abhishek Rath

Rep.by natural guardian 1st Petitioner

3.Abhiji Rath

...Petitioners/Petitioners/
Petitioners

Vs.

Sanjay Kumar Rath

...Respondent/Respondent/
Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 14.03.2016 made in CMP.No.5321 of 2015 in MC.No.14 of 2015 on the file of the learned Judicial Magistrate, Tambaram in so far as restricting the claim made of the petitioners.

For Petitioner : Mr.V.Vijayakumar
in Crl.RC.649 of 2016.
Mr.A.Sundaravadhanan
in Crl.RC.No.770 of 2016.

For Respondent : Mr.A.Sundaravadhanan
in Crl.RC.No.649 of 2016.
Mr.V.Vijayakumar for
M/s.Span Associates
in Crl.RC.770 of 2016.

COMMON ORDER

Both the criminal revision petitions are directed against the order passed by the learned Judicial Magistrate, Tambaram in CMP.No.5321 of 2015 in MC.No.14 of 2015 dated 14.03.2016.

2.It is admitted by both sides that the wife and children filed maintenance application under Section 125 Cr.PC before the trial Court claiming maintenance of Rs.50,000/- per month to the petitioners therein and the trial Court after considering the arguments advanced on both sides and after perusing the documents, awarded interim maintenance of Rs.10,000/-p.m. to the petitioner/wife and Rs.10,000/-p.m. to the minor son/Abhisek Rath from the date of petition till the disposal of MC.No.14 of 2015 and rejected the claim of third petitioner stating that he completed the age of 18years. Aggrieved over the said order the husband preferred Crl.RC.No.649 of 2016 and the wife preferred Crl.RC.No.770 of 2016 before this Court.

3.It is contended by both sides, the order passed by the trial Court is not in accordance with law.

4.The learned counsel for the petitioner/husband in Crl.RC.No.649 of 2016 contended that the maintenance amount granted by the trial Court is excessive one.

5.The learned counsel for the petitioner/wife in Crl.RC.No.770 of 2016 contended that the maintenance amount was not sufficient to maintain herself and children.

6.During the course of arguments, both the learned counsel agreed to cooperate before the trial court to dispose of the main MC.No.14 of 2015 and prays this Court to direct the trial Court to dispose of the main case within the stipulated time.

7.In view of the above submissions made so by the learned counsel for both sides, this Court directs the trial Court to dispose of the main case in MC.No.14 of 2015 within a period of two months from the date of receipt of copy of this order and report the same to the High Court. Both the parties are directed to cooperate with the trial court for speedy trial. Till the disposal of main case in MC.No.14 of 2015, the husband is directed to pay the interim maintenance to the wife, as awarded by the trial Court in CMP.No.5321 of 2015 dated 14.03.2016.

8.With the above observation, the criminal revision petitions are disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Tambaram.

2.-Do- Through the Chief Judicial Magistrate,
Chengalpet.

+lcc to Mr.V.Vijayakumar, Advocate, S.R.No.40464

+lcc to Mr.A.Sundaravadhanan, Advocate, S.R.No.40502

CrI.R.C.Nos.649 and 770 of 2016

BVR(CO)
CA(20/07/2016)

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